

*A.C.A. § 17-29-311*

Arkansas Code of 1987 Annotated Official Edition Court Rules 2011  
© 1987-2011 by the State of Arkansas  
All rights reserved.

\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES \*\*\*  
\*\*\* FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH \*\*\*  
\*\*\* JUNE 2, 2011 \*\*\*

Title 17 Professions, Occupations, and Businesses  
Subtitle 2. Nonmedical Professions  
Chapter 29 Embalmers, Funeral Directors, and Funeral Establishments  
Subchapter 3 -- Embalmers and Funeral Directors Law -- Licensing

*A.C.A. § 17-29-311 (2011)*

**17-29-311. Violations -- Prohibitions.**

(a) The State Board of Embalmers and Funeral Directors may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming or funeral directing, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of the license to be guilty of acts of commission or omission, including the following:

- (1) Conviction of a felony;
- (2) Misrepresentations made or fraud committed as a holder of a license;
- (3) False or misleading advertising;
- (4) Solicitation of dead human bodies by the licensee, his or her agents, assistants, or employees, whether the solicitation occurs after death or while death is impending, provided that this prohibition shall not be deemed to prohibit general advertising;
- (5) Employment directly or indirectly of an apprentice, agent, assistant, employee, or other person on a part-time or full-time basis or on a commission for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
- (6) The direct or indirect payment or offer of payment of a commission by the licensee, his or her agents, assistants, or employees for the purpose of securing business;
- (7) Allowing personnel unlicensed pursuant to this subchapter to execute contracts for funeral service;
- (8) Aiding or abetting an unlicensed person to practice embalming or funeral directing;
- (9) Violation of any provision of this subchapter and § 17-29-201 et seq.;
- (10) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, transportation, or final disposition of dead human bodies;
- (11) Fraud or misrepresentation in obtaining or renewing a license;
- (12) Refusing to properly release a dead human body to the custody of the person or entity having the legal right to effect such a release if all other applicable laws and rules have been followed by the holder of the license;

(13) Willful failure to secure a permit for the removal or burial or other disposition of a dead human body;

(14) Knowingly making a false statement on a certificate of death;

(15) Violations of applicable law or regulation with regard to prearranged or prepaid funeral services or funeral merchandise. However, the proper regulatory agency for prearranged or prepaid funeral services or funeral merchandise shall have determined that such a violation has occurred;

(16) Discriminating in services because of race, creed, color, or national origin;

(17) Failure to meet continuing education requirements; or

(18) Failure to answer a complaint within the fifteen-day time period.

(b) No violation of subdivision (a)(4), (a)(5), (a)(6), or (a)(7) of this section shall be deemed to have occurred when in the ordinary course of business a routine sale of a prearranged or a prefinanced funeral or of funeral merchandise shall have been made.

(c) No person licensed pursuant to this subchapter shall remove or embalm a dead human body when he or she has information indicating crime or violence of any sort in connection with the cause of death until permission of the coroner or medical examiner, or some other fully qualified person acting in such a capacity if there is no coroner or medical examiner, has first been obtained.

(d) A public officer or employee, the official of any public institution, any physician or surgeon, or any other person having a professional relationship with a decedent shall not send or cause to be sent to a funeral establishment or to a person licensed under this subchapter the remains of any deceased person without having first made due inquiry as to the desires of the authorizing agent or agents.

(e) It shall be unlawful for any person, partnership, corporation, or association who has not been licensed or registered as specified in this subchapter to transact, practice, or hold himself or herself out as transacting or practicing embalming or funeral directing or operating or maintaining a funeral establishment within this state.

(f) All dead human bodies not buried or otherwise disposed of within twenty-four (24) hours after death shall be embalmed as prescribed in this subchapter or § 17-29-201 et seq. or stored under refrigeration as determined by the State Board of Health.

(g) It shall be unlawful and a violation of this subchapter and § 17-29-201 et seq. to transport or otherwise transfer by common carrier any dead human body out of the State of Arkansas unless the body has been prepared and embalmed by a licensed embalmer of this state and a transit-burial permit has been issued by the local registrar of the county where death occurred. Any licensee of this state permitting this to be done shall be subject to the punishment spelled out in this subchapter and § 17-29-201 et seq.

(h) It shall be unlawful and a violation of this chapter for any person to engage in the practice of embalming or funeral directing or to hold himself or herself out to the public as a practicing embalmer or funeral director within the State of Arkansas without being the holder of a license.

**HISTORY:** Acts 1983, No. 325, § 11; A.S.A. 1947, § 71-911; Acts 1997, No. 839, § 7; 2003, No. 367, § 4; 2011, No. 874, §§ 5, 6.